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T-188 P.001 F-408

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Facsimile Transmittal

DATE: April 8, 2005

TO: Commissioner for Patents

ATTN: Examiner: Romain Jeanty
Art Unit: 3623

FAX NUMBER: (703) 872-9306

FROM: Thomas M. Thibault, Attorney for Applicant
Registration No. 42,181

Total Number of Pages Sent: 5 (including this transmittal cover sheet)

FILING BY FACSIMILE:

ATTORNEY DOCKET NO.: 010188

ENCLOSED ARE:

- Notice of Appeal (2 pages)
- Transmittal (in duplicate)

APPLICANT: Wolfe et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 10/000,247

FILED: October 29, 2001

FOR: METHOD AND APPARATUS FOR PROVIDING VIRTUAL CAPACITY TO A PROVIDER OF SERVICES

Please contact Theresa Badet at (858) 651-2356 if all pages do not transmit.

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T-188 P.002/005 F-408

APR 29 2005

Attorney Docket No. 010188

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)

Wolfe et al.)

Serial No. 10/000,247)

Filed: October 29, 2001)

For: **METHOD AND APPARATUS FOR
PROVIDING VIRTUAL
CAPACITY TO A PROVIDER OF
SERVICES**

) Group No. 3623

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Romain Jeanty
Examiner

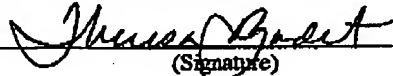
Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 8, 2004, of the Primary Examiner finally rejecting Claims 1, 4, 5, 41-45, 47 and 48. Pursuant to 37 CFR § 1.17(b) the fee for filing the Notice of Appeal is \$500.00.

I hereby certify that this correspondence is being forwarded via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

April 29, 2005
(Date of Deposit)

Theresa Badet
(Name of the Person Making Deposit)


(Signature)

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Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated in the amount of \$500.00 to pay the necessary fee due under 37 CFR § 1.17(b) for the filing of the Notice of Appeal. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to said Deposit Account No. 17-0026. A duplicate copy of this notice is enclosed.

Respectfully submitted,

Dated: April 29, 2005

By: 

Thomas M. Thibault, Reg. No. 42,181
Phone No. (858) 651-2356

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